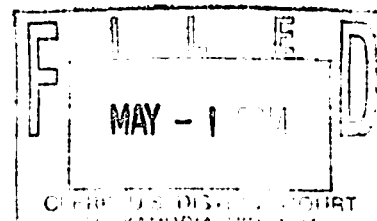


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA                    )  
  )  
v.    ) CRIMINAL CASE NO. 14-MJ-223  
  )  
YOALIANG GAO,                                    )  
                    Defendant.                    )

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Adam Shipley, being duly sworn, state the following:

***BACKGROUND ON AFFLANT AND INVESTIGATION***

1. I am a Special Agent with the United States Secret Service ("USSS"), and have been since July 2009. I am currently assigned to the Washington Field Office's Metropolitan Area Fraud Task Force, an investigative unit within the USSS. In April of 2014, members of the Loudoun County Sheriff's Office Criminal Investigations Division entered into a joint criminal investigation with Special Agents of the USSS.
2. As part of my official duties, I am responsible for investigating a variety of fraud-related criminal activities, including access device fraud, identity theft, and aggravated identity theft. Based on my training and experience, I know that individuals involved in committing these types of offenses frequently use computers, computer software programs, Internet sites, "smart" cellular phones, removable storage devices, credit card skimmers, credit card encoders, and other electronic devices to perpetuate their fraudulent activities.
3. As a Special Agent with the USSS, I have received formal law enforcement and investigative training at the Federal Law Enforcement Training Center ("FLETC") and the USSS

Training Center, including on the investigation of identity theft, complex financial crimes, and other types of fraud.

4. For the purpose of applying for this criminal complaint and arrest warrant, I am a federal law enforcement officer under the applicable provisions of the United States Code and under Rule 41(a) of the Federal Rules of Criminal Procedure. Specifically, I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18 of the United States Code.

5. This affidavit is based on my personal investigation and the investigation of others, including federal and local law enforcement officials whom I know to be reliable and trustworthy. The facts contained herein have been obtained by interviewing witnesses and examining documents obtained in the course of the investigation, as well as through other means. This affidavit does not include every fact known to me about this investigation, but rather only those facts sufficient to establish probable cause.

***PURPOSE OF AFFIDAVIT***

6. This affidavit is submitted in support of the following:
- a) a criminal complaint charging YOALIANG GAO with: (i) knowingly and with intent to defraud possessing fifteen or more devices which are counterfeit or unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3); (ii) with knowingly, and with intent to defraud, producing, trafficking in, having control or custody of, or possessing device-making equipment, in violation of Title 18, United States Code, Section 1029(a)(4); and (iii) knowingly transferring, possessing,

or using, without lawful authority, a means of identification of another person during and in relation to access device fraud, in violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(4); and

b) an arrest warrant for GAO.

***FACTS IN SUPPORT OF PROBABLE CAUSE***

7. On or about March 11, 2014, GAO began working as a cashier at the Moca Asian Bistro, located within the Eastern Marketplace Plaza, in South Riding, Virginia. South Riding, Virginia is within the Eastern District of Virginia.

8. On or about April 8, 2014, victim RYC was paying for his meal at Moca Asian Bistro, when he observed GAO using a credit and debit card skimming device ("skimming device") to illegally obtain victim RYC's credit card information. Victim RYC confiscated the skimming device and contacted the police. Loudoun County Sheriff's Deputies were dispatched to the location and took possession of the device, which was confirmed to be a skimming device.

9. On or about April 10, 2014, the Loudoun County Sheriff's Office, Criminal Investigations Division, Detective Terry Sheffer drafted and executed a state of Virginia issued search warrant on the skimming device.

10. On or about April 18, 2014, the Loudoun County Sheriff Office, Computer Forensics Division, conducted a forensic examination of the skimming device. Investigators discovered approximately 1,200 stolen credit and debit card numbers stored on the skimming device.

11. The majority of compromised credit and debit card account numbers appear to belong to past customers of Moca Asian Bistro. For example, victim JP's credit card number was found on the skimming device. The number was placed on the skimming device on April 8, 2014. JP

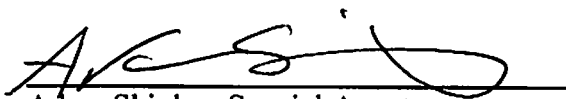
identified GAO from a line-up as the person he gave his credit card to at Moca Asian Bistro on April 8, 2014.

12. On April 24, 2014, another victim, JF, filed a report in the Loudoun County Sheriff's Office for credit card fraud. JF identified GAO as the person he gave his credit card to at Moca Asian Bistro. JF's credit card number was found on the skimming device in GAO's possession. On April 10, 2014, JF's credit card was fraudulently used at Hibachi Sushi, Food Lion, Rite Aid, Walgreens, Kroger, and Dollar General for a total loss of \$2,224.11.

13. Multiple additional victims' credit and debit card account information, stored on the skimming device, also have been unlawfully used to purchase gift cards and other merchandise at various locations.


#### ***CONCLUSION***

14. To the best of my knowledge and belief, all statements made in this affidavit are true and correct. Based on the foregoing facts, there is probable cause to believe that GAO violated Title 18, United States Code, Sections 1029(a)(3)-(4) and 1028A(a)(1), (c)(4).

  
Adam Shipley, Special Agent  
U. S. Secret Service

Approved by:

Subscribed and sworn to before me on the 1st day of May, 2014.

  
/s/ \_\_\_\_\_  
John F. Anderson  
The Honorable John F. Anderson  
United States Magistrate Judge  
United States Magistrate Judge  
Alexandria, Virginia